

AMENDED IN SENATE APRIL 13, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 516

Introduced by Senator Ortiz

February 18, 2005

An act to add Section 13113.6 to the Health and Safety Code, relating to fire protection.

LEGISLATIVE COUNSEL'S DIGEST

SB 516, as amended, Ortiz. Fire protection: residential care facility for the elderly.

Existing law establishes the State Fire Marshal within the Department of Forestry and Fire Protection and sets forth its duties, including, but not limited to, administering provisions relating to inspection and approval of fire protection measures for health and community care facilities.

Existing law, with certain exceptions, prohibits a person, firm, or corporation; from establishing, maintaining, or operating any hospital or other specified care facility for more than 6 guests or patients, and prohibits the operation of a residential care facility for the elderly licensed to care for more than 6 persons, unless it has, among other things, an automatic fire sprinkler or extinguishing system approved by the State Fire Marshal. Existing law places responsibility for enforcing State Fire Marshal building standards upon prescribed local agencies and provides for the assessment of related inspection fees. Violation of provisions related to fire protection requirements is a crime.

This bill would require residential care facilities for the elderly that house or care for no more than 6 clients or residents, to have an approved, operable automatic fire sprinkler system on and after

January 1, 2011, if they are licensed as of January 1, 2007. The bill would require every facility for which a license is newly issued on or after January 1, 2007, to have an approved, operable automatic fire sprinkler system on and after the date of issuance. The bill would require the State Fire Marshal to adopt regulations to implement these provisions by January 1, 2007, including addressing those fire safety features no longer required of a licensee after an operable automatic fire sprinkler system has been installed and maintained. By changing the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 13113.6 is added to the Health and
- 2 Safety Code, to read:
- 3 13113.6. (a) As used in this section, “facility” means a
- 4 residential care facility for the elderly, as defined in subdivision
- 5 (k) of Section 1569.2.
- 6 (b) Every facility having a valid license as of January 1, 2007,
- 7 to house or care for no more than six clients or residents, shall
- 8 have installed and maintained on and after January 1, 2011, an
- 9 operable automatic fire sprinkler system approved by the State
- 10 Fire Marshal *and meeting the NFPA 13D standard for the*
- 11 *installation of sprinkler systems in one and two family dwellings*
- 12 *and manufactured homes. A local government shall not require a*
- 13 *sprinkler system meeting a higher standard.*
- 14 (c) Every facility for which a license is newly issued after
- 15 January 1, 2007, to house or care for no more than six clients or
- 16 residents; shall have installed and maintained on and after the
- 17 date of issuance an operable automatic fire sprinkler system
- 18 approved by the State Fire Marshal *and meeting the NFPA 13D*
- 19 *standard for the installation of sprinkler systems in one and two*

1 *family dwellings and manufactured homes. A local government*
2 *shall not require a sprinkler system meeting a higher standard.*

3 (d) By January 1, 2007, the State Fire Marshal shall adopt
4 regulations to implement this section, including addressing those
5 fire safety features no longer required of a licensee after an
6 operable automatic fire sprinkler system is installed and
7 maintained.

8 (e) A public water agency shall not interpret this section as
9 changing the status of a facility from a residence entitled to
10 residential water rates *nor shall a new meter or larger connection*
11 *pipe be required of the facility.*

12 (f) *The fee imposed by a local fire marshal for plan review or*
13 *installation inspections of a fire sprinkler system required by this*
14 *section shall not exceed _____ dollars (\$_____).*

15 (g) *If the installation of a fire sprinkler system is the sole*
16 *renovation, the fee imposed for a local building inspection shall*
17 *not exceed _____ dollars (\$_____).*

18 (h) *Local government units are encouraged to work together*
19 *to minimize the number of pre and post installation inspections to*
20 *minimize fees imposed on residential facilities.*

21 SEC. 2. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the
26 penalty for a crime or infraction, within the meaning of Section
27 17556 of the Government Code, or changes the definition of a
28 crime within the meaning of Section 6 of Article XIII B of the
29 California Constitution.